Custody Case SCS 20/2

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[redacted] DEPARTMENT OF STATE A/CDC/MR [redacted]

REVIEWED BY _____ DATE _____

December 23, 1977

Dear Mr. Ryan: EDS or XDS ____, DATE ____

The Secretary has asked that I reply to your letter of December 8 on behalf of Mr. Joseph Freitas, Jr., District Attorney of San Francisco. Mr. Freitas has asked for assistance in enforcing a court order concerning the custody of John Victor Stoen, who is presently in Guyana with the religious group known as "The Peoples Temple". Several other Congressmen have also expressed interest in this case and have received similar replies.

While we in the Department sympathize very much with Mrs. Stoen in her efforts to regain custody of her son, regrettably there is little we can do to be of assistance to her. We note that Mrs. Stoen previously signed over custody of her son to the religious group. The Department has met personally with the two California attorneys engaged by Mrs. Stoen to assist her in this case. They have been given advice concerning the handling of a child custody case in a foreign country. They have also been advised that the American Embassy in Guyana is prepared to offer all possible assistance to them and to Mrs. Stone's Guyanese attorney if such assistance is required during the hearings scheduled in Guyana this month.

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As you are undoubtedly aware, neither the Department of State nor the Superior Court, State of California has the authority to enforce the order of November 13, regarding the custody of John Victor Stoen in Guyana. Under many foreign laws there are provisions for proving foreign judgments, although, unfortunately custody orders are usually excluded from this procedure. Child custody orders issued in the United States are normally not accepted for enforcement in another country on the basis of comity.

The Honorable
Leo J. Ryan,
House of Representatives.

The question of John Victor Stoen's custody will almost certainly be decided by the Guyanese court, after hearing all relevent evidence, on the basis of Guyanese law. The California court order undoubtedly will be given evidentiary weight in the custody hearing, but by no means will it be binding on that court.

A copy of this correspondence is being forwarded to the American Consul in Georgetown. I trust that this will be helpful to you. Further information regarding child custody may be obtained from Miss Elizabeth Powers of our Office of Special Consular Services on 632-3015.

Sincerely,

Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations

Enclosure:
Correspondence returned

CA:SCS:DAP:js:wp 12/20/77 Clearances: SCS - Mr. Dobrenchuk
x23015 #0190-0996 SCS - Mr. Lambert
CA - Ms. Watson
H - Mr. Krizek